

BOARD OF APPEALS MINUTES

February 6, 2012
3:00 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

CALL TO ORDER

ROLL CALL: Present: - Matthew Clementi
Andrew Land
Joseph Reber
Betty Scannell

Absent: - Marilyn Zangl
Katie Derksen
Matthew Schoenleber
Eric Drazkowski

Administrative Staff: - Joellyn Dahlin, Principal Planner
Guy Fox, Chief Inspector

Chairperson Clementi declared a quorum present.

APPROVAL OF MINUTES

December 5, 2011

Motion made by Reber to approve the minutes of the regular meeting of December 5, 2011 of the Board of Appeals as presented.

Seconded by Scannell.

ROLL CALL VOTE: Aye - Clementi, Land, Reber,
Scannell
Nay - None

Carried.

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HEARINGS

Appeal No. 2012-01

11 East 13th Street

Anthony Mand

Variance Request: Change non-conforming two-family residence to a non-conforming single family residence on property zoned for business use.

Zoning Code Regulation: Zoning Code Section 11.08 C. Schedule II states a residential use is not a permitted land use in the B-4 (Service Commercial) zoning district; and Zoning Code Section 11.13 F. states the use of a nonconforming building may be changed to another nonconforming use when authorized by the Board of Appeals.

Appeared in Support:

Anthony Mand, 188 E Pioneer Rd., Fond du Lac, appeared as petitioner in support and to ask/answer questions.

Appeared in Opposition:

Mike Konen, 16 E 13th St., Fond du Lac

Paul Du Frane, 505 S Main St., Fond du Lac

Motion made by Land to approve the variance request based on staff findings, and specifically because of the physical circumstances of the property of a small building and extremely small lot to significantly limit reasonable use of the property.

Conditions of approval shall include:

1. On-site parking shall be provided within the east driveway. Driveway surfacing shall meet City standards.
2. The west driveway shall be removed and replaced with lawn area. A small patio area or service walk is allowed, subject to approval by the Building Inspector. The driveway area within the right-of-way shall be modified to meet City standards.
3. Driveway/site modifications shall be completed prior to issuance of an occupancy permit for the building.

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Seconded by Scannell.

ROLL CALL VOTE: Aye - Clementi, Land, Reber,
Scannell

Nay - None

Carried.

Appeal No. 2012-02

801 Campus Drive

John Williams/FDL High School

Variance Request: Install second ground sign within the area of one street frontage of educational facility.

Zoning Code Regulation: Zoning Code Section 11.12 I. Schedule V states one ground sign per street frontage is permitted for an educational facility.

Appeared in Support:

John Williams, Fond du Lac High School, 801 Campus Dr.,
Fond du Lac, appeared as petitioner in support and to ask/answer questions.

Appeared to Gather Information:

Dale Braatz, 627 Prairie Rd., Fond du Lac

Motion made by Reber to approve the variance request based on staff findings, and specifically because of the physical circumstances of the property size and bulk, and the intended purpose of the sign for directional and recognition purposes.

Conditions of approval shall include:

1. Lighting of the sign - if desired - shall be external and shall not be directed to the public right-of-way or any adjacent property.
2. Landscape plantings shall be provided at the base of a sign in a grade-level bed or raised planter.

Seconded by Scannell.

ROLL CALL VOTE: Aye - Clementi, Land, Reber,
Scannell

Nay - None

Carried.

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Fred Jacques/Simon Property Group

Zoning Code Regulation: Zoning Code Section 11.11 E.7(b) states the minimum front yard landscape setback in the B-6 zoning district is 15 feet.

Motion made by Scannell to approve the variance request based on staff findings, and specifically because the substantial right-of-way area provides significant separation from the public roadway, and also because the proposed setback mimics a setback previously approved by the Board of Appeals.

1. Landscape plantings shall be provided within the setback area as required by zoning regulations. The landscape plan shall reflect the planting scheme approved for Panda Express. A landscape plan approved by the Community Development Department is required.

2. Paving modifications and the installation of landscape plantings shall be coordinated with the construction schedule of Panda Express.

ROLL CALL VOTE: Aye - Clementi, Land, Reber,
Scannell

Carried.

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Appeal No. 2012-04

859 W Johnson Street

Anchor Sign/Panda Express

Variance Request: Increase allowable wall signage (east building facade) from 69 square feet to 192.34 square feet; increase allowable wall signage (south building facade) from 40 square feet to 161.04 square feet; allow monument sign inclusive of off-premise business identification.

Zoning Code Regulations: Zoning Code Section 11.12 I. Schedule V states a property in the B-6 district is entitled to one ground sign for a shopping center and also states that one square foot of wall signage is permitted for each one lineal foot of building facade. Zoning Code Section 11.12 B. and Section 11.12 F.7 state: (1) A billboard/off-premise sign is any sign portraying information which promotes or directs attention to a business not related to a use on the lot on which sign is located; and (2) Billboards/off-premise signs are not permitted in any district.

Appeared in Support:

Mike Mead, representative for Panda Express, appeared in support and to ask/answer questions.

Joseph Funderburk, Anchor Sign, 2200 Discher Ave., Charleston, SC, appeared in support and to ask/answer questions.

Motion made by Scannell to approve the variance request for an increase in wall sign area and deny the variance request for a monument sign including off-site advertising for an adjacent business, based on staff findings, and specifically because the increase of wall signage reflects the use of a mural to provide a graphic concept rather than traditional advertising of lettering or similar sign elements; property circumstances do not support a ground sign due to the nature of the shopping center development, and specifically because site conditions in proximity to the public right-of-way offer clear visibility to the traveling public.

Seconded by Reber.

ROLL CALL VOTE: Aye - Clementi, Land, Reber,
Scannell

Nay - None

Carried.

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SS/maa